

**Amendment No. 1 to SB0287**

**Finney  
Signature of Sponsor**

**AMEND Senate Bill No. 287\***

**House Bill No. 236**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, Part 3, is amended by adding the following as a new section thereto:

66-28-306.

(a) Any landlord that, upon request by a prospective landlord or a current or former tenant, provides truthful, fair and unbiased information to another landlord about a current or former tenant's rental history is presumed to be acting in good faith and is granted a qualified immunity for the disclosure and the consequences of the disclosure. The presumption of good faith is rebuttable upon a showing by a preponderance of the evidence that the information disclosed was:

- (1) Knowingly false;
- (2) Negligently false;
- (3) Deliberately misleading;
- (4) Disclosed for a malicious purpose;
- (5) Disclosed in reckless disregard for its falsity or defamatory nature; or
- (6) Violative of the current or former tenant's civil rights pursuant to current housing discrimination laws.

(b) An application signed by a prospective tenant shall be considered a waiver giving a landlord permission to ask such tenant's former landlord or landlords the following questions:

- (1) When was the tenant a customer;
- (2) Was the rental contract fulfilled by the tenant;

- (3) Was the rent paid on time;
- (4) Was notice given when the tenant vacated the premises; and
- (5) Was there damage to the tenant's rental unit beyond normal wear and tear.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 7, Part 1, is amended by adding the following as a new section thereto:

66-7-111.

(a) Any landlord that, upon request by a prospective landlord or a current or former tenant, provides truthful, fair and unbiased information to another landlord about a current or former tenant's rental history is presumed to be acting in good faith and is granted a qualified immunity for the disclosure and the consequences of the disclosure. The presumption of good faith is rebuttable upon a showing by a preponderance of the evidence that the information disclosed was:

- (1) Knowingly false;
- (2) Negligently false;
- (3) Deliberately misleading;
- (4) Disclosed for a malicious purpose;
- (5) Disclosed in reckless disregard for its falsity or defamatory nature; or
- (6) Violative of the current or former tenant's civil rights pursuant to current housing discrimination laws.

(b) An application signed by a prospective tenant shall be considered a waiver giving a landlord permission to ask such tenant's former landlord or landlords the following questions:

- (1) When was the tenant a customer;
- (2) Was the rental contract fulfilled by the tenant;
- (3) Was the rent paid on time;

(4) Was notice given when the tenant vacated the premises; and

(5) Was there damage to the tenant's rental unit beyond normal wear and tear.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.